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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE  
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:  
ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**CLASS ACTION**

**DECLARATION OF KELLY M. DERMODY  
IN SUPPORT OF PLAINTIFFS' MOTION  
TO COMPEL**

1 I, Kelly M. Dermody, declare:

2 1. I am an attorney licensed to practice in the Northern District of California. I am  
3 the managing partner of the San Francisco office of Lief Cabraser Heimann & Bernstein, LLP  
4 (“LCHB”), counsel for the Class Representatives, and Co-Lead Class Counsel. I have personal  
5 knowledge of the facts set forth herein and could competently testify to them if called as a  
6 witness.

7 2. After the close of discovery and following this Court’s October 30, 2013  
8 preliminary approval of the class settlements with Defendants Intuit, Inc., Lucasfilm Ltd. and  
9 Pixar, Plaintiffs learned of [REDACTED]

10 [REDACTED].  
11 3. Plaintiffs have not seen [REDACTED].

12 4. Upon learning of the existence of [REDACTED], Plaintiffs promptly requested a copy of  
13 [REDACTED] and Defendants refused to provide it. The parties conferred about the basis for their  
14 positions and when the matter was not resolved, they brought it to this Court’s attention in the  
15 very next Joint Case Management Statement, filed on March 20, 2014.

16 5. Had [REDACTED] and Plaintiffs learned of it prior to the close of  
17 discovery, Plaintiffs would have sought its disclosure pursuant to Federal Rules of Civil  
18 Procedure 26 or 34.

19 6. Attached hereto as Exhibit A is a true and correct copy of the March 4, 2002 order  
20 issued in *In re Terazosin Hydrochloride Antitrust Litig.*, Case No. 99-1317 (Dkt. 678).

21 I declare under penalty of perjury under the laws of the United States and the State of  
22 California that the foregoing is true and correct to the best of my knowledge and that this  
23 declaration was executed in San Francisco, California on April 9, 2014.

24  
25 /s/ Kelly M. Dermody  
26 Kelly M. Dermody  
27  
28

# **EXHIBIT A**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 99-1317-MDL-SEITZ/GARBER

IN RE: TERAZOSIN HYDROCHLORIDE  
ANTITRUST LITIGATION

FILED BY: *Ed*  
2002 MAR -1 AM 10:25  
CLERK OF DISTRICT COURT  
S.D. OF FLA - MIA  
D.C.

ORDER

THIS MATTER is before the Court on Plaintiffs' Motion to Compel Discovery of Judgment Sharing Agreement [DE#613], Defendants' Motion to Compel Responses to Defendants' Interrogatories Dated October 2, 2001 [DE#570], and Sherman Act Class Plaintiffs' Motion to Compel Defendant Abbott Laboratories, Inc., to Respond to Interrogatories Dated November 1, 2001 [DE#661], pursuant to an Order of Reference entered by the Honorable Patricia A. Seitz. A hearing was held on this matter on February 28, 2002. The Court has carefully reviewed the pertinent portions of the record and is duly advised in the premises.

Plaintiffs in the Sherman Act cases move to compel Defendant Geneva Pharmaceuticals, Inc. ("Geneva"), to produce a judgment-sharing agreement between Geneva and co-Defendant Abbott Laboratories. The Court finds that the agreement is relevant as it appears reasonably calculated to lead to the discovery of admissible evidence, and is relevant with regard to the issue of witness credibility. See Fed. R. Civ. P. 26(b). The Court further finds that the subject discovery would not be unduly prejudicial. Accordingly, it is hereby

ORDERED that Plaintiffs' Motion to Compel Discovery of the Judgment Sharing

*678/02*

Agreement [DE#613] is GRANTED. Said agreement shall be produced on or before 30 days from the date of this Order, subject to a confidentiality order. The judgment-sharing agreement shall only be disclosed to the parties' attorneys in this matter and their experts. It is further

ORDERED that Defendants' Motion to Compel Responses to Defendants' Interrogatories Dated October 2, 2001 [DE#570] is GRANTED IN PART AND DENIED IN PART. Plaintiffs shall respond on or before 30 days from the date of this Order to all of the Interrogatories Dated October 2, 2001 with the exception of Interrogatories Nos. 15, 16 and 17 which seek speculative responses. It is further

ORDERED that the Sherman Act Class Plaintiffs' Motion to Compel Defendant Abbott Laboratories, Inc., to Respond to Interrogatories Dated November 1, 2001 [DE#661] is GRANTED IN PART AND DENIED IN PART. Defendant shall respond on or before 30 days from the date of this Order to the Interrogatories Dated November 1, 2001, with the exception of Interrogatories Nos. 12 and 13 which seek speculative responses.

DONE AND ORDERED in Chambers at Miami, Florida this 1st day of March, 2002.

  
BARRY L. GARBER  
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:  
United States District Judge Seitz  
Counsel appearing on attached Service List

**In re TERAZOSIN HYDROCHLORIDE  
ANTITRUST LITIGATION**

Civ. No. 99-MDL-1317-SEITZ/GARBER

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**In re TERAZOSIN HYDROCHLORIDE  
ANTITRUST LITIGATION**

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Civ. No. 99-MDL-1317-SEITZ/GARBER

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